

Introduced by Senator Vargas

February 17, 2011

An act to amend ~~Section~~ *Sections 31680.1 and 75506.5* of, and to add *Section 21220.4* to, the Government Code, relating to judges' retirement.

LEGISLATIVE COUNSEL'S DIGEST

SB 503, as amended, Vargas. Judges' retirement.

The Judges' Retirement System II Law authorizes any judge to elect, by written election filed with the board at any time prior to retirement, to make contributions, and receive service credit for, all of the time he or she served as a full-time subordinate judicial officer, prior to becoming a judge, excluding any period of time for which the judge is receiving, or is entitled to receive, a retirement allowance from any other public retirement system.

This bill would limit that written election to a one-time written election. The bill would also authorize the judge to make contributions to, and receive service credit for, any number of whole years or all of the time he or she served as a full-time subordinate judicial officer.

The Public Employees' Retirement Law prohibits a person who has retired under the Public Employees' Retirement System from thereafter being employed by the state, the university, a school employer, or a contracting agency, except as specified.

The bill would provide that an additional requirement for employment of a retired member, that would be established by SB 27, would not apply to any subordinate judicial officer whose position, upon retirement, is converted to a judgeship, as specified, and he or she

returns to work in the converted position, and the employer is a trial court, or to any person taking office as a judge of a court of record pursuant to a specified provision of the California Constitution. The bill would specify that this provision would only become operative if SB 27 is enacted and takes effect on or before January 1, 2012.

Existing law authorizes a person who has retired under the County Employees Retirement Law of 1937 to serve as a juror, election officer, field deputy for registration of voters, member of the board of the association, or temporarily as a judge when assigned by the Chairman of the Judicial Council, and receive any fees payable for that service without reinstatement.

This bill would additionally authorize a person who has retired to serve as a subordinate judicial officer when that position has been converted to a judgeship, as specified. The bill would specify that this provision would only become operative if AB 340 is enacted and takes effect on or before January 1, 2012.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 21220.4 is added to the Government Code,
- 2 to read:
- 3 21220.4. Notwithstanding paragraph (3) of subdivision (a) of
- 4 Section 21220 and Section 21220.3, the requirement that a retired
- 5 member observe a 180-day separation in service before rendering
- 6 services for compensation for an employer that participates in this
- 7 system shall not apply to any of the following:
- 8 (a) Any subordinate judicial officer whose position, upon
- 9 retirement, is converted to a judgeship pursuant to Section 69615,
- 10 and he or she returns to work in the converted position, and the
- 11 employer is a trial court.
- 12 (b) Any person taking office as a judge of a court of record
- 13 pursuant to Article VI of the California Constitution.
- 14 SEC. 2. Section 31680.1 of the Government Code is amended
- 15 to read:
- 16 31680.1. Any person who has retired under this chapter may,
- 17 without reinstatement from retirement or loss or interruption of
- 18 benefits under this chapter, serve as a juror, election officer, field
- 19 deputy for registration of voters, member of the board of the

1 association, *a subordinate judicial officer when that position has*
2 *been converted to a judgeship pursuant to Section 69615, or*
3 *temporarily as a judge when assigned by the Chairman of the*
4 *Judicial Council and receive any fees payable for such that service.*

5 **SECTION 1.**

6 **SEC. 3.** Section 75506.5 of the Government Code is amended
7 to read:

8 75506.5. (a) Any judge may make a one-time written election,
9 filed with the board ~~at any time prior to the time of~~ retirement, to
10 make contributions to, and receive service credit for, any number
11 of whole years or all of the time he or she served as a full-time
12 subordinate judicial officer, as defined in Section 71601, prior to
13 becoming a judge, excluding any period of time for which the
14 judge is receiving, or is entitled to receive, a retirement allowance
15 from any other public retirement system.

16 (b) A judge electing to receive credit for service pursuant to this
17 section shall, at the time of filing his or her election, pay into the
18 Judges' Retirement Fund II, a sum equal to the actuarial present
19 value of the increase in benefits due to the additional service. The
20 amount shall be determined by the board in accordance with this
21 section.

22 **SEC. 4.** *Section 1 of this act shall become operative only if*
23 *Senate Bill 27 of the 2011–12 Regular Session is enacted and*
24 *takes effect on or before January 1, 2012, and that bill amends*
25 *Section 21220 of the Government Code.*

26 **SEC. 5.** *Section 2 of this act shall become operative only if*
27 *Assembly Bill 340 of the 2011–12 Regular Session is enacted and*
28 *takes effect on or before January 1, 2012, and that bill amends*
29 *Section 31680.9 of the Government Code.*